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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,981	06/29/2001	Paul M. Cohen	219.40063X00	6159

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KENYON & KENYON
1500 K STREET, N.W., SUITE 700
WASHINGTON, DC 20005

EXAMINER

CHANDRASEKHAR, PRANAV

ART UNIT PAPER NUMBER

2115

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,981

Applicant(s)

COHEN ET AL.

Examiner

Pranav Chandrasekhar

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-9, 12 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, 11, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oprescu et al [US Pat No. 5,483,656] in view of Morris Jr. et al [US Pat No. 5,200,708], and further in view of Saito et al [US Pat No. 6,301,674].

2. As per claim 1, Oprescu teaches

a plurality of computers, each having a power requirement [col. 4 lines 35-37; col. 2 lines 25-27];

a power supply to supply power to said plurality of computers, said power supply having a known power capacity [col. 13 lines 42-44. The distribution of power to the computers is viewed as being performed by a power supply.];

a power monitor to monitor the total power requirement of said plurality of computers [col. 13 lines 45-56]; and

a power controller responsive to a request for power from an additional computer, resulting in a new total power requirement [col. 15 lines 53-60], to determine whether the new total power requirement exceeds the known power capacity [col. 15 line 62-64], and responsive to the new total power requirement exceeding the known

power capacity to cause said power supply to deny power to the additional computer [col. 15 line 65- col. 16 line 1; col. 17 lines 1-4; col.].

Oprescu does not explicitly teach

reducing the power supplied by power supply to each computer of said plurality of computers; and

providing the additional computer with less power than indicated in the request for power when the new total power requirements exceeds the known power capacity.

Morris Jr teaches reducing the power to each of a plurality of power amplifiers when an additional power amplifier is activated and the new power requirement associated with accommodating the additional power amplifier exceeds a predetermined power threshold [col. 2 lines 25-27; col. 2 lines 30-38; Abstract lines 8-15].

Morris Jr. does not explicitly teach providing an additional amplifier or computer with less power than indicated.

Saito teaches providing an additional electric apparatus with less power than indicated in the request for power [col. 10 line 50 – col. 11 line 18].

It would have been obvious to one of ordinary skill in the art to combine the teachings of Oprescu, Morris Jr and Saito to incorporate the step of reducing the power to each of the plurality of computers to accommodate the additional computer and to further provide the additional computer with less power than indicated in the request for power in the event that the new total power requirement for the plurality of computers

exceeds the available power in order to avoid deferring the power request from the additional computer due to insufficient power and to provide the additional computer with power soon after the request for power has been received without requiring an separate power source to meet the new power demand.

3. As per claims 10 and 13, Oprescu teaches

a process and article, comprising a storage medium having instructions stored thereon, the instructions when executed controlling power supplied to a plurality of computers by

determining the power available [col. 4 lines 35-37; col. 2 lines 25-27; col. 13 lines 42-44];

monitoring the total power requirement of a plurality of computers [col. 13 lines 45-56];

in response to detection of a request for power from an additional computer, determining a new total power requirement [col. 15 lines 53-60]; and

when the power available is less than the total new power requirement, denying power to the additional computer [col. 15 lines 62-64; col. 15 line 65- col. 16 line 1].

Oprescu does not explicitly teach

reducing the power supplied to each computer of the plurality of computers;
and

providing the additional computer with less power than indicated in the request for power in response to the total new power requirement exceeding the power available.

Morris Jr teaches reducing the power to each of a plurality of power amplifiers when an additional power amplifier is activated and the new power requirement associated with accommodating the additional power amplifier exceeds a predetermined power threshold [col. 2 lines 25-27; col. 2 lines 30-38; Abstract lines 8-15].

Morris Jr. does not explicitly teach providing an additional amplifier or computer with less power than indicated.

Saito teaches providing an additional electrical apparatus with less power than indicated in the request for power [col. 10 line 50 – col. 11 line 18].

It would have been obvious to one of ordinary skill in the art to combine the teachings of Oprescu, Morris Jr, and Saito to incorporate the step of step of reducing the power to each of the plurality of computers to accommodate the additional computer and to provide the additional computer with less power than indicated in the request for power in the event that the new total power requirement for the plurality of computers exceeds the available power in order to avoid deferring the power request from the additional computer due to insufficient power and to provide the additional computer with power soon after receiving the request from the additional computer without requiring a separate power source to meet the new power demand.

4. As per claim 2, Oprescu, Morris Jr and Saito do not explicitly teach one of the computers to be servers.

It would have been obvious to one of ordinary skill in the art to modify the teachings of Oprescu, Morris Jr and Saito to enable one of the computers to be servers since servers are well known in the art.

5. As per claim 3, Oprescu, Morris Jr and Saito do not explicitly teach a computer rack containing the plurality of computers, power supply, power monitor, and power controller therein.

It would have been obvious to one of ordinary skill in the art to modify the teachings of Oprescu, Morris Jr and Saito to incorporate the plurality of computers, power supply, power monitor and power controller in a computer rack since a computer rack is well known in the art as a mode to contain a plurality of computers.

6. Claims 4-6, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oprescu et al [US Pat No. 5,483,656] in view of Saito et al [US Pat No. 6,301,674].

7. As per claim 4, Oprescu teaches
a plurality of computers, each computer having a power requirement [col. 4 lines 35-37; col. 2 lines 25-27];

a power supply to supply power to said plurality of computers, said power supply having a known power capacity [col. 13 lines 42-44. The distribution of power to the computers is viewed as being performed by a power supply.];

a power monitor to monitor the total power requirement of said plurality of computers [col. 13 lines 54-56]; and

a power controller responsive to a request for power from an additional computer, resulting in a new total power requirement [col. 15 lines 53-60], to determine whether the new total power requirement exceeds the known power capacity [col. 15 lines 62-64], and responsive to the new total power requirement exceeding the known power capacity to cause said power supply to continue to provide the total power requirement of said plurality of computers [col 15 line 65- col. 16 line 1; col. 14 lines 13-16. The maintenance of total amount of power required is viewed as continuing to supply the total power requirements of the plurality of computers.].

Oprescu does not explicitly teach providing only standby power to said additional computer.

Saito teaches providing an additional electrical apparatus with only a permissible power consumption that is lower than the power required by the additional electric apparatus [col. line 50 – col. 11 line 18.].

Saito does not explicitly teach providing only standby power to said additional computer or additional electrical apparatus.

It would have been obvious to one of ordinary skill in the art to combine the teachings of Oprescu and Saito to incorporate the step of providing the additional computer with lower power than requested by the additional computer in the event that the new total power requirement for the plurality of computers exceeds the available power in order to avoid deferring the power request from the additional computer due to

insufficient power and instantly provide the computer with power. Furthermore, standby power is a well known form of low-power. Hence, it would have been obvious to modify the teachings of Oprescu and Saito to provide standby power to the additional computer as opposed to a lower but permissible power based on available power.

8. As per claim 5, Oprescu and Saito do not explicitly teach one of the computers to be servers.

It would have been obvious to one of ordinary skill in the art to modify the teachings of Oprescu and Saito to enable one of the computers to be servers since servers are well known in the art.

9. As per claim 6, Oprescu and Saito do not explicitly teach a computer rack containing the plurality of computers, power supply, power monitor, and power controller therein.

It would have been obvious to one of ordinary skill in the art to modify the teachings of Oprescu and Saito to incorporate the plurality of computers, power supply, power monitor and power controller in a computer rack since a computer rack is well known in the art as a mode to contain a plurality of computers.

10. As per claims 11 and 14, Oprescu teaches
a process and an article comprising a storage medium having instructions stored thereon, the instructions when executed controlling power supplied to a plurality of computers by

determining the power available [col. 4 lines 35-37; col. 2 lines 25-27; col. 13 lines 42-44];

monitoring the total power requirement of a plurality of computers [col. 13 lines 45-56];

in response to detection of a request for power from an additional computer, determining a new total power requirement [col. 15 lines 53-60]; and

when the power available is less than the new total power requirement, continuing to provide the total power requirement of the plurality of computers [col 15 line 65- col. 16 line 1; col. 14 lines 13-16. The maintaining of total amount of power required is viewed as continuing to supply the total power requirement of the plurality of computers.].

Oprescu does not explicitly teach providing only standby power to said additional computer.

Saito teaches providing an additional electric apparatus with a permissible power lower than that required by the additional electric apparatus [col. 10 line 50 – col. 11 line 18. The permissible power consumption A is viewed as standby power].

Saito does not explicitly teach providing the additional computer or electric apparatus with standby power.

It would have been obvious to one of ordinary skill in the art to combine the teachings of Oprescu and Saito to incorporate the step of providing the additional computer with lower power than required by the additional computer in the event that the new total power requirement for the plurality of computers exceeds the available power in order to avoid deferring the power request from the additional computer due to insufficient power and to provide the additional computer with power soon after it

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requests for power. Furthermore, standby power is a well known form of low-power. Hence, it would have been obvious to modify the teachings of Oprescu and Saito to provide standby power to the additional computer as opposed to a lower but permissible power based on available power.

Allowable Subject Matter

11. Claims 7-9,12 and 15 are allowed.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

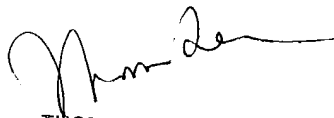
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pranav Chandrasekhar whose telephone number is 703-305-8647. The examiner can normally be reached on 8:30 a.m.-5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 703-305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2100.

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Pranav Chandrasekhar
May 25, 2004



THOMAS LEE
SUPERVISORY PATENT EXAMINER
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